

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Fifth Judicial District Court, County of Jefferson

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-11-045
-vs-	)	
	)	DECISION
MIKE CHIILINSKI,	)	
	)	
Defendant.	)	

On December 19, 2012, the District Court sentenced the Defendant as follows:

Count 1: Cruelty to Animals, misdemeanor: imprisonment in the Jefferson County Jail for one year with all but 77 days suspended;

Count 2: Cruelty to Animals, felony: two years to the DOC's custody, with said sentence deferred;

Count 3: Cruelty to Animals, felony: two years to the DOC's custody, to run concurrent with Counts 1 & 2;

Count 4: Cruelty to Animals, felony: two years to the DOC's custody, to run consecutive to Count 3;

Count 5: Cruelty to Animals, felony: two years to the DOC's custody, with one year suspended, to run consecutive to Count 4;

Count 6 - 17: Cruelty to Animals, felonies: two years to the DOC's custody for each count, suspended and consecutive to Counts 3 through 5;

Counts 18 - 92: Cruelty to Animals, felonies: two years to the DOC's custody for each count, suspended and concurrent with each other and with Counts 6 through 17;

Count 23 was dismissed prior to trial.

The Court's intention was for the Defendant to be committed to the Department of Corrections for 30 years, with 25 suspended, leaving 5 years potential incarceration less 77 days of credit for time served. During the term of his sentence, Defendant was ordered not to own or possess any animals or allowed to use marijuana, including possessing a medical marijuana card.

On February 23, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by videoconferencing from the Lewis and Clark County courthouse and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

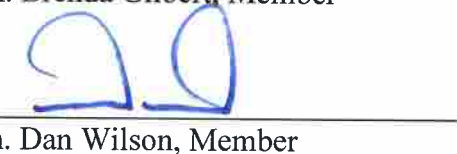
Done in open Court this 23<sup>rd</sup> day of February, 2018.

DATED this 9<sup>th</sup> day of March, 2018.

SENTENCE REVIEW DIVISION

  
Hon. Kathy Seeley, Chairperson

  
Hon. Brenda Gilbert, Member

  
Hon. Dan Wilson, Member

CERTIFICATE OF MAILING

I, Georgia Lovelady, Judicial Assistant of the Sentence Review Division of the Montana Supreme Court, hereby certify that copies of the foregoing SENTENCE REVIEW DECISION were mailed this 13 day of March, 2018, to the following:

Clerk of District Court  
Jefferson County  
P.O. Box H  
Boulder, MT 59632

Jefferson County Attorney  
P.O. Box H  
Boulder, MT 59632

Brent Getty  
Office of the State Public Defender  
502 S. 19th Ave., Ste. 306  
Bozeman, MT 59718


Mike Chilinski  
1423 Poplar  
Helena, MT 59601

Helena Probation and Parole  
RE: Mike Chilinski #3010955  
111 N. Rodney  
Helena, MT 59601

Hon. Luke Berger  
5th Judicial District  
P.O. Box 185  
Virginia City, MT 59755

Montana State Prison  
Records Department  
700 Conley Lake Road  
Deer Lodge, MT 59722

Board of Pardons and Parole  
1002 Hollenbeck Road  
Deer Lodge, MT 59722

  
Georgia Lovelady, Judicial Assistant  
SENTENCE REVIEW DIVISION